



# Elon Police Department

Chief of Police  
LaVell Lovette

Phone: 336-584-1301

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## FELONY INVESTIGATIVE REPORT

**DEFENDANT: Clinton Joesph Blackburn**      **Race: White Sex: Male**

**Officer: Captain Sami Russell**      **Date Submitted: February 20, 2007**

**Date of Offense: February 3, 2007**

**Date of Arrest: February 19, 2007**

**Charges: 1. Assault Inflicting Serious Bodily Injury**      **2.**  
**3.**      **4.**

Attached Reports: ☒ Incident Report ☒ Arrest ☐ Evidence ☐ Victim's Statement ☐ Medical  
(Check all that apply) ☐ Miranda Rights ☐ Defendant's Statement ☐ SBI Lab Report ☐ Photographs  
☐ Crash Report ☐ Photo Lineup ☐ Criminal History ☐ Evidence Disposition  
☐ Other \_\_\_\_\_

**Summary of Incident:** On February 3, 2007 the Victim, Lee Mynhardt, was attending a party at the residence of John Cassady. The residence is located at 211 N. Lee Ave., Elon, NC. While at the party Mynhardt was in the bathroom with a female and had the door locked. While in the bathroom, Cassady became upset that Mynhardt was in the bathroom with the female and became involved in an altercation with Mynhardt. Once the altercation began, Clinton Blackburn grabbed Mynhardt from behind in a "full nelson" hold and Cassady and Blackburn began assaulting Mynhardt and threw him to the ground and he landed on his head, breaking his neck and paralyzing him from the chest down. While on the ground and stating he "couldn't feel his legs" Cassady and Blackburn continued striking and kicking Mynhardt. The defendant's then dragged Mynhardt by his legs out of the house and left him on the ground with the temperature around 30 degrees.

**Co-Defendants: John Ferrell Cassady**

### **Victim:**

1. Lee John Mynhardt      Address: 602 E. Haggard Ave. #50, Elon, NC 27244 Phone: 336.675.7934  
2.      Address:      Phone:

### **Witnesses:**

1. Mary Katherine Kelly      Address: The Oaks F-205, Elon, NC Phone: 412.260.3326  
2. Charles (Chad) Caldwell      Address: 709 B. Haggard Ave., Elon, NC Phone: 336.613.5386  
3. Robert Olson      Address: Loy Center - B, Elon University, Elon, NC Phone: 336.675.3608  
4.      Address:      Phone:





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2. Address: Phone:

### Witnesses:

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4. Address: Phone:



# INCIDENT/INVESTIGATION REPORT

Page 2

OCA  
07020007

STATUS Codes: L=Lost S=Stolen R=Recovered D=Damaged Z=Seized B=Burned C=Counterfeit/Forged F=Found													
DRUGS	DCI	Status	Quantity	Type Measure	Suspected Type				Check up to 3 types of activity for each				
									Possess	Buy	Sale	Mfg.	Importing
OFFENDER	Offender Used Alcohol/Drugs		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk		Offender 1				Primary Offender				
	Computer		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk		Age: 20 Race: W Sex: M				Age: Race: Sex:				
SUSPECT	Name (Last, First, Middle)				Address or Residence				Home Address				
	Cassidy, John Remal								211 N Lee Ave, Elon, NC 27244				
	Occupation				Business Address								
	DOB / Age				Race	Sex	Height	Weight	Build	Hair Color	Hair Style	Hair Length	Eye Color
	03/03/1986   20				W	M							
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)												
	Hat	Jacket	Shirt/Blouse	Tie/Scarf	Coat/Suit	Pants/Dress/Bikini	Shoes						
	Was Suspect Armed?	Type of Weapon			Direction of Travel			Mode of Travel					
	VIN	Make	Model	Style	Color	Lic/Lt	Vin						
	WITNESS	Name (last, first, middle)				DOB / Age		Race	Sex	OCA			
Home Address				Home Phone		Employer		Phone					
NARRATIVE	Suspect Name / Sign Motivated: Yes <input type="checkbox"/> No <input type="checkbox"/>												
	Narrative By J. Perry												
	On 02-03-07 at approximately 0306 hours, Lt. Dotson of the University Police stated he received a call through the security office that an ambulance was being requested at 211 N. Lee Street.												
	I responded to find a W/M lying in the doorway of the residence. He was identified as Lee Myndhart. I attempted to ascertain from Mr. Myndhart what happened, but he kept saying, "I can't feel my legs. These mother fuckers were dragging me out the door." There was a W/F												
	identified as Mary Kelly who was by his side and said that she was the one that called the ambulance. I asked who lived in the residence and John "Jack" Cassidy stated that he did. I												
	asked Mr. Cassidy what happened and he stated that he had to go to the bathroom, but the door was shut. He said he knocked on the door and someone said, "give us a couple of minutes." He												
	waited a couple of minutes but nobody opened the door. He then used a card to open the locked door. He stated that when he did, Mr. Myndhart came toward him with his hands in the air as to												
	fight. He pushed him back but Mr. Myndhart kept coming at him. Then an unidentified W/M												
	Grabbed Mr. Myndhart and put him in a "full nelson." He said they wrestled from the bathroom to the kitchen where Mr. Myndhart ended up on the ground. Mr. Cassidy then stated that he and												
	the unidentified W/M tried to carry Mr. Myndhart out the door to get him out of his residence. At some point, Mr. Myndhart ended up in the door frame where he was lying when I arrived on scene. I asked him who the unidentified W/M was and he said he has never seen him before and did not know who he was.												



**CONTINUATION PAGE**

1. AGENCY <b>ELON POLICE DEPARTMENT</b>	2. ORI <b>NC0010200</b>	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. <b>07020007</b>
Narrative  <p>I also spoke with Linwood Long who stated he was outside the residence when this occurred. I asked him what he saw and he said that he was speaking with a girl at the corner of N. College and Lee Street when this occurred. He came to the door to find Mr. Myndhart lying there and did not see what happened.</p> <p>Officer Sweat spoke with Ms. Kelly about the incident, but I did speak to her when I gave her a ride to the hospital. She stated that she was in the bathroom with Mr. Myndhart when someone came in there and started fighting with him. She said she thought it was Mr. Cassidy, but she was looking at Mr. Myndhart throughout the scuffle. She also stated that Mr. Myndhart was not the aggressor in the incident.</p> <p>I then followed the ambulance to ARMC to check on the status of Mr. Myndhart. While at the hospital, the ER doctor poked Mr. Myndhart's feet with a needle to see if he was getting an sensation with negative results. I asked the doctor if I could come back when he was able to be turned over so that I could photograph any injuries to his back that would be consistent with him being kicked. She said that she would. At the time of this report, she has not called. While I was there, I did notice a scrap on his right knee and marks on his right arm and chest that would be consistent with being in a scuffle.</p>			
SUPPLEMENT #1    POII MARK C. SWEAT - 022    02/03/2007    05:28			
<p>On Saturday, February 03, 2007 Lt. Dodson, from Elon University Police, called over the radio that some unknown party had called their police department and had requested an ambulance at 211 N. Lee Street. Officer Perry and I responded to 211 N. Lee Street and discovered a white male lying in the kitchen on his back complaining that he could not feel his legs. The white male, Lee Myndhart, was in the company of a white female named Mary Kelly who was comforting him telling him he was going to be OK. After Station 8 arrived on scene, I interviewed Mary about what happened. She stated that she was in the bathroom with Lee Myndhart when someone came knocking on the bathroom door. She stated the door came open and a guy told them they had to leave. She stated Lee had walked out of the bathroom first and a brief altercation between Lee and another white male started. She stated it happened so quickly and that since Lee had walked out first she did not really see everything. Mary Kelly stated she saw Lee slammed on the floor, by whom she thinks was later identified as John Cassidy. I asked her if she was sure it was John Cassidy and she stated she could not positively say it was him. She did say that she saw John Cassidy kick Lee while he was lying on the floor. After speaking briefly with Mary Kelly, she wanted to go to the hospital to check on Lee Myndhart since he was being transported by EMS. She was then transported by Officer Perry. No further</p>			
SUPPLEMENT #3    MPO BRIAN K. ROOF - 020    02/03/2007    09:49			
<p>m February 3, 2007 at approximately 0615hrs. I received a phone call from ARMC- ER who advised that the victim of the assault had damage to his C-5 and C-6 vertebrae in his mid-lower neck and</p>			
Officer Name / ID <b>POII JAMES J. PERRY, III - 015</b>	Officer Signature	Date / Time Submitted	Page 3 of 14

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REV. 3/02

# CONTINUATION PAGE

1. AGENCY ELON POLICE DEPARTMENT	2. ORI NC0010200	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. 07020007
Narrative as being transported to UNC hospital for further assistance, no further action taken at this time.			
SUPPLEMENT #5 CAPT WALTER S. RUSSELL - 002 02/12/2007 15:09			
Narrative by Captain WS Russell			
Saturday, February 3, 2007			
0430 hours - I received a telephone call at my residence from Officer James Perry. Officer Perry advised that he had been dispatched to a residence on N. Lee Avenue in reference to an assault. Perry advised that the victim of the assault appeared to be paralyzed from the waist down. Perry advised that he was at Alamance Regional Medical Center with the victim and that the he had observed the staff touching the victim's feet with needles and that the victim could not feel it. Perry also advised that the medical staff had also inserted a catheter into the victim and the victim didn't appear to feel it. Perry also advised that he had the names of several people that were involved or that may have witnessed the incident. I advised Perry to complete the initial investigation and document everything he observed and that I would follow up on the incident later in the day.			
0630 hours - I received a telephone call from Officer Brian Roof. Roof advised that a nurse from VMC had called and advised that the victim had damage to his C5 and C6 vertebrae and that he was paralyzed. The nurse had also advised that the victim was being flown to the Trauma Unit at UNC Chapel Hill Hospital.			
0930 hours - I arrived at the Elon Police Department to begin my follow up investigation in to this incident. I had learned that the victim in this case was a Lee Mynhardt (W/M 24 YOA) and that Mynhardt was a student at Elon University. I also learned that the others involved in the case were also college students. I also learned that the incident had occurred at 211 North Lee Avenue, Elon.			
I then contacted the Chief of Police for the Elon University Campus Police, Chuck Gantos, to make sure he was aware of the incident since it involved Elon students. Gantos advised that he had been made aware of the incident and we decided that he and I would travel to Chapel Hill in an attempt to make contact with the victim and any witnesses that may be with the victim at the hospital.			
1155 hours - Chief Gantos and I arrived at the Emergency Room at UNC Chapel Hill Hospital.			
1212 hours - Chief Gantos and I met with the victim, Mynhardt, as he was being taken from the emergency room to have an MRI and then to surgery. I spoke briefly with Mynhardt who was wearing a "halo" device and he appeared to be sedated. Mynhardt stated that two guys had beaten him and dragged him out of a house where he was attending a party. He advised that he did not know who the guys were. Mynhardt's speech was hard to understand and I ended the interview when they placed him in the elevator to go for the MRI.			
Officer Name / ID POJ JAMES J. PERRY, III - D15	Officer Signature	Date / Time Submitted	Page 4 of 14 REV. 3/02

**CONTINUATION PAGE**

1. AGENCY <b>ELON POLICE DEPARTMENT</b>	2. ORI <b>NC0010200</b>	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. <b>07020007</b>
Narrative			
<p>1220 hours - Chief Gantos and I met with Mary Katherine Kelly. Ms. Kelly was in the Emergency Room waiting area. Ms. Kelly advised that she was with Mynhardt at the party in Elon and witnessed the assault. Ms. Kelly advised she was friends with Mynhardt and that she had known him for about a year. Kelly also advised that she met up with Mynhardt around 0100 hours at the West End bar in Elon. Kelly advised that she had been drinking beer earlier in the evening and that Mynhardt had been drinking as well. Kelly then advised that she and Mynhardt left the bar around 0200 hours to go to a party nearby. The two of them walked to the party and went inside. Kelly stated that they were at the party for a while and then she and Mynhardt went into the bathroom to talk. After a short period of time 2 guys began knocking on the door and yelling for them to get out of the bathroom. Mynhardt then went out of the bathroom and Kelly stayed in to put on her coat and to use the bathroom. Kelly then advised when she came out of the bathroom Mynhardt was fighting with two guys. Kelly stated that one of the guys had a Mynhardt in what is described as a "full nelson" hold while the other guy was striking him. Kelly stated that Mynhardt eventually fell to the ground and one or both of the guys kicked Mynhardt. Shortly after this occurred Mynhardt began complaining that he could not move or feel his legs. Kelly stated that the two guys kept telling Mynhardt to get up and when he could not, they grabbed Mynhardt by the legs and dragged him out of the house and left him outside. Kelly said she went to Mynhardt's aid and he continued to state that he could not feel his legs. Kelly then convinced the two guys that Mynhardt couldn't get up and that it was too cold for him to stay outside at which time two guys grabbed Mynhardt by the arms and dragged him back inside the residence. Kelly stated she then called 9-1-1 and requested an ambulance.</p> <p>Kelly described the suspects as w/m's who she thought were college students and that one or both of them may live at the location where the incident occurred.</p> <p>1250 hours - Concluded the interview with Mary Kelly and left UNC hospital and returned to Elon.</p> <p>1430 hours - Received a call from Chief Gantos stating that two men were in his office and they wanted to talk about the incident that occurred at 211 North Lee Ave</p> <p>1450 hours - I arrived at the office of the Elon University Campus Police. And found that two w/m's had come to the Campus Police Headquarters to talk about an incident that occurred at 211 North Lee Ave. During the early morning hours of 2/3/07. The men were identified as Clint Blackburn and Jack Cassidy. Cassidy is one of three men that rent the house located at 211 North Lee Street, Elon, NC. Blackburn is a student at UNC Greensboro and was visiting his friend, Jack, on this occasion.</p> <p>1458 hours - I interviewed Clint Blackburn, W/M DOB- 6/20/84</p> <p align="center">1302 Gracewood Dr. Greensboro, NC 27408 Cell) 256.374.2818</p> <p>Blackburn is a student at UNC Greensboro and his parents reside at 1031 Kellan Rd., Madison, NC 27025. Their Phone number is 336.427.0758</p>			
Officer Name / ID <b>POI JAMES J. PERRY, III - 015</b>	Officer Signature	Date / Time Submitted	Page <u>5</u> of <u>14</u>

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1. AGENCY <b>ELON POLICE DEPARTMENT</b>	2. ORI <b>NC0010200</b>	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. <b>07020007</b>
<p><b>Narrative:</b> The complete interview was recorded. The following is a summary of the interview:</p>			
<p>Blackburn stated that he is friends with Jack Cassidy from high school in Reidsville, NC. Blackburn stated he was at a party at Cassidy's place on Friday night (2/2/07) and that the party continued until the early morning hours of 2/3/07. He advised that he was with his friend Jack toward the end of the party and Jack needed to go to the bathroom. He advised that Jack went to the bathroom door and found that it was locked. Blackburn stated that Jack knocked on the door several times and then Jack opened the door by using a credit card. Once the door was open Jack became involved in an altercation with the male (Mynhardt) who was in the bathroom. Blackburn stated that the male subject began shoving Jack and so he (Blackburn) grabbed the male from behind and held him in a "bear hug" which pinned the male subject's arms against his body. Blackburn stated that he was able to get the guy to the door in the kitchen and then they fell to the floor. Blackburn stated that he fell on top of the male subject and the male subject was lying on the floor and Blackburn just thought he (Mynhardt) was stunned. Blackburn then left to avoid getting in a fight with the subject when he got back up.</p>			
<p>The interview ended at approximately 1515 hours.</p>			
<p>1520 hours - I interviewed John Reidsville Cassidy (Jack), W/M, DOB - 3/2/85</p>			
<p>211 North Lee Ave.</p>			
<p>Elon, NC 27244</p>			
<p>Cell) 336.202.4519</p>			
<p>Cassidy is a student at Elon University and his parents reside at 2624 South Scales Street, Reidsville, NC. Their phone number is 336.342.6024.</p>			
<p>Cassidy's interview was recorded and a summary will be added to the report at a later date.</p>			
<p>Investigation is continuing.</p>			
<p>SUPPLEMENT #6 CAPT WALTER S. RUSSELL - 002 02/13/2007 10:16</p>			
<p>Cassidy's statement was very similar to Blackburn's. Cassidy advised that he went to the bathroom and found the door to be locked and so he knocked on the door. Cassidy advised he heard someone inside and he began talking to his friend Clint while they waited for the person(s) to come out. After a period of time Cassidy knocked again and did not get a response so he used a card from his wallet to "jimmy" the door open. Once the door was open he found a male and female inside that appeared to be engaged in some type of sexual activity. Cassidy told them to get out and the male subject tried to close the door. Cassidy then pushed the door back open and the male subject "came after him" and began pushing him in the chest. Cassidy stated that's when his friend Clint grabbed the male subject from behind and placed him in a bear hug, pinning his arms down by his side. Cassidy then stated that Clint began walking the guy down the hall and the guy was trying to get away. Cassidy then advised that Clint and the male went down in the big room and the male may have gotten a carpet burn on his knee. They then continued to the kitchen toward the door of the</p>			
Officer Name/ID <b>POJ JAMES J. PERRY, III - 015</b>	Officer Signature	Date/Time Submitted	Page 6 of 14



**CONTINUATION PAGE**

1. AGENCY <b>ELON POLICE DEPARTMENT</b>	2. ORI <b>NC0010200</b>	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. <b>07020007</b>
Narrative residence and somehow fell to the floor. Cassidy advised that the male never blacked out and responded immediately, and was complaining about not being able to move his legs but they thought he was just drunk and stunned.			
Once the interview with Cassidy was completed I asked Cassidy if he would mind showing me his residence where this incident occurred and he agreed. I met Cassidy and Blackburn at 211 North Lee Street, Elon, NC and Cassidy allowed me to go inside and look at the scene and photograph it as well.			
While in the residence I noticed that there were posters on the wall in the hallway near the bathroom and that they did not appear to be damaged from any struggle that may have taken place in the hallway. I observed that there were a lot of extension cords in the hallway and they too, did not appear to be disturbed. I also observed that there was not a carpet in the "big room" where Cassidy stated the victim got a "rug burn".			
I completed taking photographs of the residence and then left the scene.			
SUPPLEMENT #7 POII MARK C. SWEAT - 022 02/13/2007 17:22			
Additional information from the night of February 03, 2007 that was left out of the initial report was some observations of injuries to Lee. I observed blood stains on his pants on top of his right knee. His pants were khaki's and were light brown in color. It appeared he had a large cut under his khakis to have this amount of blood soaked through his pants. The only other observation of injuries was that when Lee spoke with us, his mouth was always full of blood. No further			
SUPPLEMENT #8 CAPT WALTER S. RUSSELL - 002 02/14/2007 13:04			
February 4, 2007			
I returned to UNC hospital and made contact with the victim Lee Mynhardt. Mynhardt was conscious and was able to talk but he seemed very weak and confused and I made the decision to not interview him about the incident. I did take photographs of Mynhardt while he was in his hospital bed.			
1230 Hours - I met with the witness, Mary Katherine Kelly, at the Elon Police Department to discuss the incident further. Her interview was recorded and will be attached to this incident. In summary, Ms. Kelly advised that she was in the bathroom with Mynhardt when she heard a knock at the door. She told the person outside to wait. A few minutes later the person(s) outside the door began knocking loudly and yelling for them to get out of the bathroom. Kelly advised that Mynhardt then went out in to the hall and when she exited the bathroom, Mynhardt was fighting with two people in the living room area of the residence. Kelly advised that one of the guys was holding Mynhardt in a "wrestling move" and she described it as a "full nelson" hold. Kelly then advised that Lee finally went down on the floor and while he was on the floor the other guy kicked him. When Lee couldn't get up, the two guys grabbed him by the legs and dragged him out the side door of			
Officer Name / ID <b>POI JAMES J. PERRY, III - 015</b>	Officer Signature	Date / Time Submitted	Page <b>7</b> of <b>14</b>

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REV. 3/02

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1. AGENCY <b>ELON POLICE DEPARTMENT</b>	2. ORI <b>NC0010200</b>	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. <b>07020007</b>
Narrative the house. She stated that Lee laid outside and could not get up and Kelly then talked the guys in to taking Lee back inside because it was cold. Two guys then grabbed Lee by the arms and pulled him back inside. Kelly advised she then called 9-1-1.			
February 5, 2007			
Attempted to interview the victim, Mynhardt, at UNC Hospital but he was not in any condition to talk. Mynhardt's parents had arrived from Botswana and I briefed them on the investigation and then returned to Elon. I learned their names were:			
Father - Louis Mynhardt			
Mother - Charlie Mynhardt			
They are from Francistown, Botswana which is on the continent of Africa. The Mynhardts advised that their son Lee was an American citizen who was born in Arizona.			
1347 hours - I interviewed Linwood Brady Long. Long's name was given by Cassidy as someone who was at the party. Long is a friend of Cassidy and stated he did not see what happened. Long advised he was outside of the residence when it occurred. Long stated that when he went back inside the residence he observed the victim lying on the floor and he noticed that his legs seemed to be in a weird position. He also observed a female on her knees next to the victim. Long also advised that he remember seeing the victim earlier in the evening and that the victim appeared to be intoxicated.			
February 6, 2007			
1217 hours - I interviewed Charles (Chad) Caldwell, Jr. W/M, DOB - 4/18/85.			
709 East Haggard Ave.			
Elon, NC 27244			
336.513.5386			
at the Elon Police Department. Caldwell's name was given by Cassidy as someone who may have witnessed the incident. Caldwell stated he arrived at the party at between 2130 & 2200 hours. He advised that he has known Cassidy for more than 10 years. Caldwell stated he was outside of the residence when the incident occurred. He stated that when he went back inside, he observed both Mynhardt and Blackburn on the floor. Caldwell advised that Cassidy wanted Mynhardt out of the house so he (Caldwell) tried to pick up Mynhardt by the shoulders and that Jack Cassidy, Will Hartness and himself tried to move Mynhardt out the door but only got as far as the doorway. Caldwell advised that while this was going on, Mynhardt was using profanity toward them and saying "why'd you do this?"			
Caldwell also advised that after they tried to move Mynhardt, Caldwell, Blackburn and Hartness all			
Officer Name / ID <b>POI JAMES J. PERRY, III - 015</b>	Officer Signature	Date / Time Submitted	Page <u>8</u> of <u>14</u>
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1. AGENCY <b>ELON POLICE DEPARTMENT</b>	2. ORI <b>NC0010200</b>	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. <b>07020007</b>
<p><b>Narrative</b></p> <p>eft and went to Caldwell's house and left Cassidy with Mynhardt still on the floor.</p> <p><b>February 7, 2007</b></p> <p>0900 hours - Lt. Craig Andrews and I met with Assistant District Attorney Lori Goins in order to obtain a court order for all medical records that pertain to the treatment of the victim, Lee John Mynhardt. The Order was prepared and then signed by Superior Court Judge, J.B. Allen. After obtain the court order, Lt. Andrews and I had the order served on Alamance County EMS by Officer Robert Parks of the Graham Police Department. Once the order was served on EMS Lt. Craig Andrews and I went to UNC Hospital in Chapel Hill, NC in an attempt to interview the victim, Lee Mynhardt. When we arrived at the hospital we met with Officer Potash of the UNC Hospital Police. We provided Officer Potash with the Court Order for Mynhardt's medical records and Potash served the papers. Lt. Andrews and I then went to Mynhardt's room and learned that he was having difficulty breathing and was unable to speak with us. I then learned from the nursing staff that Dr. Lim was the Orthopedic Surgeon that was treating Mynhardt. The staff provided a phone number for Dr. Lim [919.843.6172] and I was able to contact him and he invited us to his office for a meeting.</p> <p>Lt. Andrews and I went to Dr. Lim's office and met with him. Dr. Lim's full name and title is: MBS R. Lim, MD</p> <p align="center">Assistant Professor of Orthopaedics Adult Spine, Cervical Spine and Spinal Trauma UNC School of Medicine</p> <p>Dr. Lim advised that Mynhardt's injury was called a Distraction - Flexion Injury. Lim stated that this type of injury is caused by a sudden or rapid movement of the head in a forward motion with a lot of force. Dr. Lim stated this type of injury is generally seen in diving accidents where people dive into a shallow pool of water and hit their head on the bottom of the pool. Dr. Lim was very interested in this case and asked what we knew about what happened. He advised it was very unusual for this type of injury to come from an assault. I explained that a witness had stated that a person had put Mynhardt in a "Full Nelson" and forced Mynhardt to the floor. Dr. Lim stated that made sense and that this injury could have occurred from that. Dr. Lim then provided copies from the CT Scan that shows the injury to Mynhardt. Dr. Lim advised that Mynhardt had alcohol and cocaine in his system.</p> <p>Dr. Lim advised that Lee's paralysis was permanent and that he was paralyzed from the chest down. Lt. Andrews and I returned to Alamance County and stopped by Alamance County EMS and picked up copies of the EMS reports. We then contacted Alamance County 9-1-1 and made contact with supervisor Dexter Brower and he provided a copy of the 9-1-1 call.</p> <p><b>February 8, 2007</b></p> <p>Lt. Andrews interviewed Thomas W. Baltimore, M/M, DOB 9/14/84</p>			
Officer Name / ID <b>POI JAMES J. PERRY, III - 018</b>	Officer Signature	Date / Time Submitted	Page <u>9</u> of <u>14</u> <small>REV. 3/02</small>

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Narrative			
211 E. Trollinger Ave.			
Elon, NC			
675-7575			
Hatteran stated he was at the party in question but left with his friend Press Miller before the altercation began.			
February 12, 2007			
Det. Andrews and I went to UNC Hospital in Chapel Hill, NC in another attempt to interview Lee Mynhardt. When we arrived we found that Mynhardt had been moved to another room after his condition deteriorated overnight. Louis Mynhardt and his daughter Nadine Mynhardt advised that Lee had a pretty good weekend was talking but late Sunday evening the family was contacted by hospital staff and advised that one of Lee's lungs had collapsed and he was struggling to breathe. Louis Mynhardt advised that they were able to stabilize Lee during the night but he was having a hard day. While we were talking to Louis and Nadine Mynhardt, Lee's mother Charlie came from Lee's room and advised that Lee was once again having difficulty breathing and that doctors were in the process of putting in a breathing tube. Mrs. Mynhardt also told us that we would not be able to talk to Lee today.			
I was concerned about the events that had taken place and I contacted Dr. Lim. Dr. Lim advised that Lee was having difficulty breathing but this was not uncommon. He advised that Lee was still in danger but he was confident that he would stabilize once his body adjusted to its current condition. Dr. Lim also advised that Lee was paralyzed from the chest down and that, in his opinion, this condition was permanent.			
February 13, 2007			
I was able to make contact with: Meredith Whitley, W/F			
404E West End Apartments			
Elon, NC 27244			
828-413-2158			
Meredith Whitley's name was provided by Jack Cassidy as another possible witness. Cassidy reported that he thought Whitley was in the living room area of the residence when the incident occurred. Whitley advised in her statement that she was unaware of the incident until it was over. She advised she became aware of the incident when everyone was leaving the party because someone was hurt. Whitley stated she observed Mynhardt lying on the kitchen floor and that he was on his back. She stated that she left the residence through the front door and did not stay to try and assist Mynhardt.			
On a side note: During my walk through of the crime scene on February 2nd I was advised by Cassidy.			
Officer Name / ID POI JAMES J. PERRY, III - 015	Officer Signature	Date / Time Submitted	Page 10 of 14

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**Narrative**  
that the front door of the residence was damaged and would not open.

Also on this date I was contacted by another possible witness, Will Hartness. Hartness arrived at the Elon Police Department around 1600 hours.

He was identified as: William Joseph Hartness, M/M  
2122 Belmont Dr.  
Raidville, NC 27320  
336.932.1216

Hartness was also at the party when this incident occurred. Hartness is a friend of Cassidy, Blackburn and Caldwell. Hartness advised he had known Cassidy for 17 or 18 years and has known Clint Blackburn for about 4 years. Hartness was outside the residence with Chad Caldwell during the altercation. When he went to the door of the residence he observed Blackburn and Mynhardt in the kitchen and Blackburn was trying to get Mynhardt to the door. Hartness stated as Blackburn and Mynhardt got near the door Mynhardt pushed back on Blackburn causing them to fall. Hartness advised that as they fell Clint managed to turn Mynhardt and they landed on their side. Hartness stated that someone stated "get that dude out of here" and Caldwell tried to pick Mynhardt up but then put him back down. Blackburn, Hartness and Caldwell then left the residence. Hartness stated they left because they were afraid that Mynhardt's friends might come over to retaliate.

**February 14, 2007**

I contacted Alamance County EMS and spoke to Paramedic Angela King and asked that she come by the Elon Police Department so I could obtain a statement from her about this incident. Ms. King came to the police department and advised that she was one of two paramedics that handled Mynhardt on February 3, 2007. Ms. King state she remembered the incident so well because her son is in a wheelchair. She advised when she arrived on the scene Elon Fire First Responders and Elon Police were already on the scene. When she first saw Mynhardt he was lying on the floor in the doorway of the residence's side door that led into the kitchen. She advised that Mynhardt was awake and alert and was stating that he could not feel his legs and that he thought his neck was broken. Ms. King stated that Mynhardt was able to tell her where he was, where he lived, as well as telephone numbers and people that could be contacted.

Ms King advised that she observed dried blood around the victims mouth but does not remember any other visible injuries. She advised that Mynhardt told her that he was beaten and then picked up and slammed on his head.

Ms. King was instructed to write a detailed statement and return it to me.

On this date I also interviewed both EMT first responders from the Elon Fire Department. They were identified as:

Officer Name / ID <b>POII JAMES J. PERRY, III - 015</b>	Officer Signature	Date / Time Submitted	Page 11 of 14
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<b>1. AGENCY</b> ELON POLICE DEPARTMENT	<b>2. ORI</b> NC0010200	<b>3. CONTINUATION TO:</b> <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	<b>4. OCA FILE NO.</b> 07020007
<b>Narrative</b> Steven Jacob Flint			
204 Quaker Creek Dr. Mabans, NC 336-516-3791			
2. Milton Turner Schaeffer, III 700 E. Haggard Ave. - Bldg. F Room 101 Elon, NC Home 6605 Spring Garden Rd. Wilmington, NC 28403 Cell 910-297-7399			
Both Flint and Schaeffer stated that when they arrived Mynhardt was lying in the doorway at the side door to the residence that leads into the kitchen. They advised that Mynhardt was awake and alert and stated he had been assaulted. Schaeffer remembers Mynhardt repeatedly asked if he was going to be paralyzed.			
SUPPLEMENT #10 CAPT WALTER S. RUSSELL - 002 02/15/2007 11:35 A check of the weather conditions for February 3, 2007, on the website www.weather.com showed that the temperature for this date reported a high of 42 and a low of 26 degrees. The temperature at the time of the incident is estimated to be around 32 degrees.			
SUPPLEMENT #11 POIT MARK C. SWEAT - 022 02/16/2007 15:37			
**Additional information from the morning of the assault**			
After the ambulance had taken Lee Mynhardt to the hospital I was getting ready to clear from the call when a white male approached me while I was heading towards my patrol vehicle. He asked if I remembered him and I stated that I could not recall dealing with him in the past. He stated you arrested me last year. He then stated his name was Rob Olson. He stated that he was the ex president of Lambda Chi. He stated John Cassidy (Jack) had called him and told him that he needed to come over to the Lee St house that a fight had happened and somebody was hurt. While Rob and I was talking, John Cassidy walked up to us. Rob Olson asked John Cassidy what had happened. John stated "They were fucking in my bathroom". When he stated this it seemed he was angry because someone was having sex in his bathroom. He then stated the male and female had the door locked to the bathroom. John then used a credit card to unlock the bathroom door. John then stated that he told the male to leave his residence since he did not know this individual. John then stated that the white male, later identified as Lee Mynhardt, came at him with his hands in the air acting like he was going to fight him. John then said that when the guy got to him he pushed him off of him and some unidentified white male got Lee in a full nelson. John then stated the unknown white male and Lee Mynhardt then fell to the ground. After explaining the events to Rob Olson, John asked me			
Officer Name / ID POIT JAMES J. PERRY, III - 015	Officer Signature	Date / Time Submitted	Page 12 of 14

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**Native**  
that kind of trouble can he get into. He then stated he was worried about himself and the Fraternity. I then told him that I was unsure of the guys injury and could not comment on what criminal charges if any that would be filed. I advised him that an investigation would have to be conducted and I would not know anything until after finding out what type of condition Lee was in. I advised him that he could possibly face criminal and civil charges. He was very concerned about Lee and it seemed to me that John had more to do with the case than what he was telling me. No further at this time.

**SUPPLEMENT #12**    CAPT WALTER S. RUSSELL - 002    02/16/2007    20:00  
I obtained warrants on the suspects in this case, John Ferrall, Gessady and Clinton Joseph Blackburn. I contacted attorney Bill Osteen whom represents Blackburn and advised him that warrants were on file at the Elon Police Department for both subjects. We agreed that the subjects would be allowed to surrender themselves on Monday, February 19, 2007 at 1000 hours.

The warrants charged Assault Inflicting Serious Bodily Injury and they were issued by Magistrate Sandra Herring.

**SUPPLEMENT #13**    CAPT WALTER S. RUSSELL - 002    02/19/2007    15:14  
On Monday, February 19, 2007 both suspects arrived at the Elon Police Department where they were served with warrants charging them with Assault Inflicting Serious Bodily Injury. Both were fingerprinted and photographed and taken before Magistrate Sandra Herring where they were placed under a \$5,000 secured bond.

Officer Name / ID <b>POII JAMES J. PERRY, III - 015</b>	Officer Signature	Date / Time Submitted	Page <b>13</b> of <b>14</b>
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Officer Name / ID <b>POI JAMES J. PERRY, III - 015</b>		Officer Signature		Date / Time Submitted		Page <b>14</b> of <b>14</b>	

## Suspect(s)

Name (Last, First, Middle) <b>Long, Unwood Brady</b>				Alias or Nickname				Home Address <b>7816 Selon House Lane, Charlotte, NC 28277550</b>			
Occupation <b>Student</b>				Business Address <b>Elon University Student - 756 E Haggard Ave, Crest Apartments Building 2030 Room 302, Elon,</b>							
DOB / Age	Race	Sex	Height	Weight	Build	Hair Color	Hair Style	Hk/L Length	Eye Color	Glasses	
<b>07/24/1986 - 21</b>	<b>W</b>	<b>M</b>	<b>6'0"</b>	<b>160</b>	<b>Lat</b>	<b>BRO</b>	<b>STR</b>	<b>SRT</b>	<b>BLU</b>		
Scars, Marks, Tattoos, or Other Distinguishing Features (Incl. lip, foreign, recent, voice characteristics)											
Shirt	Jacket	Shoe/Boat shoe	Headgear	Coat/Jacket	Pants/Dress/Shorts	Socks	Shoes				
Was Suspect Armed?		Type of Weapon				Direction of Travel		Mode of Travel			



<b>AGENCY INFO.</b>	Agency Name <b>ELON POLICE DEPARTMENT</b> OR <b>NC0010200</b>		<b>SUPPLEMENTARY INVESTIGATION</b>		OCA <b>07020007</b>		<b>S-14</b>	
					ORIGINAL PRIMARY CRIME <b>0410 - Aggravated Assault</b>			
<b>CHANGED INFORMATION</b>	Crime #	Changed Crime/Accident	Relationship	Weapon Changed	Premises Changed			
	Changed Victim (Originally listed, but needs to be amended) Original Listing Victim # _____ Age _____ Race _____ Sex _____      Changed to Age _____ Race _____ Sex _____ Original Listing Victim # _____ Age _____ Race _____ Sex _____      Changed to Age _____ Race _____ Sex _____							
	Changed Offender (Originally listed, but needs to be amended) Original Listing Offender # _____ Age _____ Race _____ Sex _____      Changed to Age _____ Race _____ Sex _____ Original Listing Offender # _____ Age _____ Race _____ Sex _____      Changed to Age _____ Race _____ Sex _____							
<b>ADDITIONAL INFORMATION</b>	Crime #	Crime / Incident(s) (Not listed previously)		<input type="checkbox"/> Attempt <input type="checkbox"/> Complete		Committed Against Victim #		
	Additional Victim (Not listed previously) Victim # _____ Age _____ Race _____ Sex _____ Victim # _____ Age _____ Race _____ Sex _____      Victim # _____ Age _____ Race _____ Sex _____							
	Additional Offenders (Not listed previously) Offender # _____ Age _____ Race _____ Sex _____ Offender # _____ Age _____ Race _____ Sex _____      Offender # _____ Age _____ Race _____ Sex _____							
<b>ADDITIONAL PROPERTY</b>	** NOTE ** LIST ONLY ADDITIONAL VALUES NOT PREVIOUSLY REPORTED. Status: L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found Code (Check "DR" column if recovered or seized for other jurisdiction)							
	Victim #	DQI	Status	Value	QTY	Property Description	Make/Model	Serial Number
<b>ADDITIONAL DRUGS</b>	DQI	Status	Quantity	Type Measure	Suspected Type	Check up to 3 types of activity for each Possess Buy Sell Mfg Importing Operating		
<b>NARRATIVE</b>	On 2-16-2007 I met once again with witness, Mary K. Kelly at the Elon Police Department. I asked Ms. Kelly to come to the police department to look at a photographic line-up I had put together. The line-up included a photograph of Clinton Blackburn. Ms. Blackburn read and signed the instructions for viewing the line-up. This occurred at 1445 hours and at 1447 hours she identified Blackburn as one of the two suspect that were fighting with Mynhardt.							
	On 2-26-2007 I met with Mary Kelly again and showed her two more line-ups. One line-up had a picture of John Cassady and the other had a photograph of Charles (Chad) Caldwell. Ms. Kelly quickly identified Cassady as one of the men that assaulted Mynhardt. She stated that she remembered him kicking Mynhardt while he was on the floor.							
<b>ID</b>	Officer Name / ID#				Officer Signature		Supervisor Signature	
	CAPT WALTER S. RUSSELL - 002							
<b>STATUS</b>	Date - Time Submitted				Case Status		Case Disposition:	
	Month	Day	Yr					
02 26 2007 16:44 Hrs.				<input checked="" type="checkbox"/> Further Investigation <input type="checkbox"/> Inactive <input type="checkbox"/> Closed/Cleared <input type="checkbox"/> Closed/Lead Exhausted		<input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Cleared by Arrest by Another Agency <input type="checkbox"/> Death of Offender		
				<input type="checkbox"/> Juvenile/No Custody <input type="checkbox"/> Refuse to Cooperate <input type="checkbox"/> Prosecution Declined		<input type="checkbox"/> Extraction Declined <input type="checkbox"/> Located		
						Page 1 of 2 Rev. 3/02		

**CONTINUATION PAGE**[illegible]

DA File: Clinton Blackburn and John Cassady(Assault)  
Victim: Lee Mynhardt  
Activity: 4/16/07  
Typed: 4/16/07  
Prep'd By: Steve Lynch

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**David Williamson Wells; W/M/4/4/86; 211 N. Lee St. Elon and 6717 Cristin Ct. Charlotte 27280; telephone number, 704-609-3153; and a student at Elon University. He lived at the house where the crime occurred.**

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Wells stated he is a junior at Elon and majoring in accounting. He is a roommate of Jack Cassady (defendant) and Brian McElroy (770-841-1434). The three of them share a rental house at the above location.

He has known Cassady since he has been at Elon and has lived with him for 3 years. They are all in a fraternity together, that is Lambda Chi Alpha.

Her described Cassady as a person of good character, real nice person, never violent, laid back, soft spoken, who is in a better mood when he is drinking.

The day in question. It was rainy and muddy that day. On Fridays he and his friends usually hang out together at night. This particular night, their house was already messy. He and his roommates had friends over. This was in his words, "a very private party." To attend, "it was invitation only." He has never seen or met Lee Myhardt or Mary Kelly. The maximum number of people at the party was about 20. There was a keg of beer at the party purchased by Robert Olsan. Olsan was of age. The event started at about 10:30 or 11:00PM. The reason he knew of the time because a program had just gone off on HBO called, "Dane Cook's Vicious Circle". He and his roommates watched that program. At the end of the television program, their friends began to arrive at their house. There were no conflicts at the party. This was the normal group that he was with each Friday night. They usually had parties at each other's house. The weather was so bad that they did not anticipate a good party, so they just had a few people over. He never noticed if the floors were slippery or not. He remained at the party until 1 or 1:30AM when he got board. His girlfriend, Robin Buzy (908-246-2016) had dropped by the party for about 15 minutes. She got board and left. She told him that he could call her later, if he wanted to. He went to Robin's apartment which is located on Highway 100 toward Burlington. He stayed at her apartment the rest of the night. When he left the party, about 15 or so people were still there. The music had already been cut off. People were talking and so forth. There were no signs of violence when he left. "It was a laid back, chilled night." He had not met Clinton Blackburn in the past and he does not recall seeing Blackburn at the party before he left the house. "People were drinking, but no one was out of the way." Lee Myhardt was not at the house when he left. As far as he knows, he and Lee had no mutual friends and he had never heard of Myhardt or Mary Kelly. He did not invite Myhardt to the party. When he left the party, he knew everyone there. The party was in his words a "implied private party." When he left the party, Cassaday was not drunk and was in no way out of the way.

The next morning, He returned to the Lee St. address at about 10:30 or 11:00AM. When he got there, he turned the music up real loud and Cassady come out and told him to kill the music. Then Cassady related the following account as to what occurred after he left the party.

"After you left, later at night, 3:00AM, me and a couple of guys were hanging out in my room. I got up to go to the bathroom and knocked on the door. I waited about 20 minutes and later got it open with a credit card. Lee was in the bathroom hooking up with this girl. (His interruption of hooking up means foreplay). (He also does not remember what Cassady said about the couples' clothing). I told them to get out. Then Lee started to get defensive and started to yell at me. Lee then lunged at me and attempted to shut the door again. At that point, Blackburn thought Lee was trying to fight me and Blackburn tried to move Lee out of the house. Blackburn was wrestling Lee to get him out the door. They slipped and fell in the kitchen and Blackburn got up and Lee stayed on the floor. Both Lee and Blackburn fell to the floor. Lee mumbled that he could not move his legs."

His advise to Cassady. He advised Cassady to go to the police department and "hit the situation head on"; however he believed that Cassady had already planned to do that.

Since the case, Cassady has not asked him to lie to the authorities. He could not think of any others with information about the case. He does not go to parties where he is not invited. Cassady never said anything to him about kicking Lee.

David's previous statement to the police. On 2/26/07 David made a written statement to the Elon Police. Some additional information in that statement is as follows:

- "Friday night a couple of guy's gotten together at my house to Pre-game. Pre-game means to have a small get together.
- They never went to a bar as was planned.
- "We had my fraternity Wing Bowl. Wing Bowl is a recruitment event.



"Jack was really rattled the next morning by what had happened."

It is his opinion from Cassady that they were just trying to get Myhardt out of the house, not to assault him.

Since the time of the incident, Cassady has not asked him to lie for him about the matter. He has been back to Cassady's residence in Reidsville since the incident occurred. Cassady's did not mention the incident.

The floors were not slippery as he recalls. The floors at the house are "very hard."

He stated that a "full nelson" is a dangerous move.

DA File: Robert Cassady and Clinton Blackburn (Felonious Assault)  
Victim: Lee Myhardt  
Activity: 4/17/07  
Typed: 4/17/07  
Prep'd By: Steve Lynch

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Robert Lawrence Olson; W/M/1/23/86; 4104 Campus Box, Elon University and Loy Center B Dorm (Fraternity House); telephone number, 336-675-3608, and 212 PO Box West Hampton Beach, NY 11978; telephone number, 631-727-1227. He attended the party in question.

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Olson stated he is a junior majoring in political science.

He has known Jack Cassady since he has been at Elon. They were roommates his sophomore year. He stated Cassady is from Reidsville, NC where he was a football and soccer player in high school. He described Cassady as a very nice person, quite, outgoing, and has never seen him aggressive or in a fight. He comes from a religious family. He has been to the Cassady residence in Reidsville and noticed that he had a good family life. Cassady holds his booze well and has never seen Cassady acting "stupid" when drinking. He has never seen Cassady pick a fight.

He does not know Lee Myhardt or Mary Kelly.

On the day in question. He had a class at noon. Later in the day he decided to do some drinking. He and some friends were at the Sheridan Place at Cassie Johnson's (540-272-1073) residence. He (Olson) bought a keg of beer and had it at Johnson's residence. They stayed there awhile and decided to take the beer to 211 N. Lee St. to the David Wells, Jack Cassady, and McElroy (don't remember first name) residence. All of these students are in a fraternity together. Several people gathered at the Lee St. house, 35 to 40 people. He did not know all of the people at the party. He got there at about 6:30 to 7:00PM. "There was nothing crazy going on." The party was "low key." He knew most of the people there. It was not a big party. The party was by invitation only. Most of the people at the party were drinking beer. There were no drugs at the party. He first saw Lee Myhardt and Mary Kelly after the incident occurred. About midnight, he left the party and went back to his residence. He does not know the reason he left. He was transported by a designated driver. The designated drivers for the evening were Phil Collins (423-956-0759) and Gentry Radwanski (610-780-3146) He later returned back to the party at about 12:45AM. When he got back there were about 25 people at the party. He does not know if Lee was there when he returned. Some of the people were leaving. Some people were coming into the party from the West End Bar. At about 2:00 AM he went into Cassdy's bedroom along with Meredith Whitney, Cassady's friend (Blackburn), Dylan Cottone, and Chad Caldwell. At this point he had not seen Lee Myhardt or Mary Kelly. They were just hanging out in Cassady's room. They were having a good time. There was no ill will by anyone at this point. Jack Cassady and his friend left the room. Nothing was said when they left the room. He heard some talking from the direction of the hall. He

heard a female say, "let him go, or guys stop" or something to that effect. The female voice was a loud voice, but not a scream. The voice was not high pitched. He was drunk at the time; however he still knew what was happening. He and Meredith were together and Meredith had asked him to take her home. He had already called the designated driver to pick them up. Cassady and his friend were still in the bedroom when he called for the designated driver. It was past 3:00AM at his time. All of them left the bedroom when they heard the female talking from the direction of the hall. When they got out of the bedroom, they saw a male in the floor, lying on his back. The male subject had a different sounding accent, like a British. He did not know what was going on at this time. The subject on the floor was moving his hands. He does not know if the victim's hands were moving in a combative motion or not. However, he was moving his hands over his body. The victim was saying "fuck you." Cassady's friend (Blackburn) said, "You need to get up and get the fuck out of here." At that time the victim said, "Call a cop." The female with the victim said, "Lee get up." She was trying to get the victim out of there. No one kicked the victim. Several people told the victim to leave. The victim did not say anything at that point. "I thought he was really drunk, his speech was slurred, I had no clue what was going on." "There was a sense of confusion." Minutes later, his driver arrived and called him on his cellular phone and advised him he was outside. So he and Meredith left. By this time a group of people had surrounded the victim. He left the party at that point. He did not think it was a serious situation. He did not know what had happened. He took Meredith home and then he returned to his residence. Later in the night, he got a call from Gentry Radwanski who advised him of the situation. He in turn called Pat Jefferys, who was the president of the fraternity. He did not see anyone touch the victim while he was there. He does not feel that the victim knew what was going on. He did not see the victim go to the floor. Also, he did not hear the noise of people falling to the floor. He did not hear any wrestling while he was in the bedroom. He doesn't know what Cassady and Blackburn were irritated about. In his opinion, Myhardt and Kelly should have not been at the party. On the night, Cassady was not staggering and did not have slurred speech and was not on drugs per his knowledge. The same holds true for Blackburn. He has no indication that Myhardt was slammed to the floor. There had not been any scuffles at the party prior to the one in question. When he saw Myhardt on the floor, he thought he was drunk and could not get up.

The next morning, His fraternity had a wing eating contest in a recruiting effort. Cassady attended however Blackburn did not. Cassady told him the following account as to what happened as it related to Myhardt:

"When we left the room, we tried to get in the bathroom and the bathroom door was locked. I banged on the door and got it opened. Myhardt pushed me or came at me or something to that effect. Blackburn was behind Myhardt and Blackburn put Myhardt in a full nelson with Myhardt's head back. (A full nelson to him is putting your arms under the arms of another from behind and grasping your hands together at their neck.) We were going to attempt to move Myhardt from the house. When they got to the kitchen, they got in a scuffle and Blackburn and Myhardt hit the floor while Blackburn had Myhardt in the full nelson with his head back. Blackburn got up and Myhardt did not. Then a few minutes later the others came in the room. "Note, Cassady did not tell him of taking Myhardt outside.

DA File: John Cassidy and Clinton Blackburn (Felony Assault)  
Victim: Lee Myhardt  
Activity: 4/17/07  
Typed: 4/18/07  
Prep'd By: Steve Lynch

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Mary Katherine Kelly; W/F/8/3/87; The Oakes, F205, Elon University and 4511 Marina Dr. Pittsburg, Pa 15120. She was with the victim on the night in question.

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Kelly stated she is a sophomore at Elon University majoring in biology and psychology. She has known Lee Myhardt for 2 years. She lives in a private room. She knows him to be a cheerful, kind person who she has never heard say a bad thing. She has never known Myhardt to be combative. She has only heard good things about Myhardt. She has seen Myhardt drink before and he was never out of control. She has heard that Myhardt used cocaine. She has never used cocaine herself.

Two weeks before the day in question. There was a fight at the West End Bar in Elon. Myhardt went outside to break up the fight. While out there someone hit him and he came back inside. James Swank (336-263-4317) saw that incident occur. Swank told her that Myhardt come back inside after being hit. She saw Myhardt after he was hit. She is not sure if the police were called or not. "Myhardt went out to make peace."

Last year, she had a bad roommate and Myhardt let her sleep on his sofa a few nights.

On the day in question. On this Friday she went to class in the morning and had a lab in the afternoon. She had classes until 1:00PM. She went with Sarah Barrett (305-772-7248) to Jay Kaka (telephone unknown) and Rob Antona's (telephone unknown) house. They live on West Front St. in Burlington near Saddleclub Dr. They got there at about 10:00PM. There she drank 3 or 4 beers. She and Sarah left and went to a party near the Dainley Center where she had one beer. She and Sarah left at about midnight. She and Sarah then went to the West End Bar in Elon where she met up with Lee Myhardt. She did not have plans to meet up with Myhardt. Myhardt was with several other people. Myhardt was hanging out with. At West End, Meg Ramsey (267-625-6034), Jesse Barry (610-937-2247), and Brent Buchman (telephone number unknown) were in the group along with she and Sarah. While at West End she drank 1/2 of a Spark drink (an energy drink with alcohol). West End was not crowded and was low key. Lee Myhardt and others decided to go to another party and she agreed to go with him. She made arrangements to meet Sarah at another party later on in the night. At about 1:00 to 1:30AM she, Brent, Myhardt, and two others (names she don't remember) left West End and headed to a party other than the one they actually stopped at and to where the incident occurred. All were walking. When the group approached 211 Lee St. the door was open and lot of people was inside. Myhardt was drunk, however he was not combative or violent, nor was he using bad language. She was a "little tipsy". She is not sure who suggested that they go into this particular house. However, she does remember that Myhardt was not the one that made the suggestion. Inside the house where the party was going on, people were playing "beer pong" (a game played with cups and beer on a



table) and others were dancing. She saw a couple of people in the party that she knew, Tom Hollaran (336-675-7575) and Pres Miller (telephone number unknown). She talked with those people while Myhardt spoke with others. No one told them to leave. She felt welcomed to the party. Things seemed to be fine. Brent and the other two decided to go to the original destination or the other party. She and Myhardt told the others they would catch up with them later. She and Myhardt went into the bathroom. Myhardt locked the door and they talked. They also kissed and Myhardt had his hand under her shirt. Her jacket was off. They were talking about leaving the house and going back to his house. They had decided not to go to the other party. They had been in the bathroom for 3 minutes. They were not having intercourse. Her jacket was on the floor. She is not sure if she took her jacket off or if Myhardt took it off. There was a knock at the door or more of a "pounding". She and Myhardt said to the effect, "hold on we'll be right out." The reason they wanted a delay was to give her time to put her jacket back on. The kissing and fondling was as far as they had planned to go in the bathroom. There had been no intercourse planned for the bathroom. Then she heard 2 male voices saying, "Get the fuck out of the house." They kept yelling. The door opened and Myhardt put his hand over the door to stop it from opening. Myhardt then walked out and she stayed inside to put her jacket on. Myhardt closed the door behind him. Lee intentionally closed the door behind himself. She put her coat on in 30 seconds. The people had stopped pounding on the door. The light was on in the bathroom. She saw Myhardt when he walked out of the bathroom. Myhardt's arms were not raised when he walked out of the bathroom. Myhardt did not say anything when he walked out. She walked out of the bathroom and looked to the right which was the area of the living room. She saw that one of the males was behind Myhardt and his arms were under Myhardt's arms and his hands were grasped together behind Myhardt's head. That is known to her as a full nelson. At that time there was only one guy on Myhardt. The other male was just watching. Both of the males were yelling, "get the fuck out, get the fuck out." Myhardt was saying, "get off me, let me go, we are leaving." Myhardt was not combative. She was saying the same thing, "we are leaving." She saw Myhardt go to the floor. The subject that was holding Myhardt in the full nelson was pushing Myhardt's head forward several times. The full nelson was put on Lee after she and Lee told the others they were leaving. Myhardt and the guy holding Myhardt were standing pretty stationary at that point. Myhardt lost control and fell to the floor. The male holding Myhardt did not fall to the floor or on Lee. The male let go of Myhardt at that point. The male stayed on his feet. Then the other male started to kick Myhardt in his side while Myhardt was on the floor. She said to that male, "Are you seriously kicking him while he is on the ground?" She then knelt down beside of Myhardt in an effort to stop them from kicking Myhardt. The kicking was stopped after she knelt down. The male kicked Myhardt three times in his side. The kicking was on Myhardt's left side and the male that was doing the kicking had on shoes; however she does not know the style. She knelt down on her knees. There were other people standing around. There were about 15 people standing around just watching. She does not know the names of any of them. Myhardt told her that he could not move his legs. Three males come over and grabbed Myhardt by his legs and drug him outside. Myhardt said to them, "don't move me, I can't feel my legs." She kept saying to the males, "we are leaving." The males kept on dragging Myhardt anyway. They drug him through the kitchen and to the outside door. Myhardt is pleading with the males at that point not to move him because he could not

feel his legs. She asked the males not to take Myhardt outside because it was cold. They laid Myhardt on the ground outside. In a few seconds, a guy grabbed Myhardt by his arms and drug him back inside. Lee said, "Get the fuck off me." Myhardt kept saying that he could not feel his legs. Myhardt said to the guys, "sorry guys, I'm serious, someone needs to call 911. At that point, Myhardt seemed very much out of breath and in very much pain and shock. She shouted and asked for the address because she called 911. Someone said it was 211 E. Lee St. She called campus security because she thought she could get them for assistance quicker. The campus security told her to call 911 so she did. She told the dispatcher that Myhardt could not move his legs and she gave them the address. She also told the dispatcher that Myhardt was having a pain in his neck. She also told the dispatcher that Myhardt had been drinking. At that time she was not aware of any cocaine use. She knew from her studies that certain drugs and alcohol don't react well with each other. She asked Myhardt if he had been using cocaine and he said, "yes." This was after she called 911 but before the ambulance arrived. When the EMT arrived she told one of the personnel that Myhardt had been drinking and there might be cocaine in his system as well. Between the time that she called 911 and the time they arrived, Myhardt thanked her for calling 911. Myhardt asked her to call his parents, but she did not have their telephone number.

She did not have a boyfriend at the time, but she was interested in Myhardt. She went to the hospital with a police officer.

#### **Responses to the police report.**

- The police report says that in effect Myhardt was "slammed to the floor". Kelly says that is not true. "Lee lost control of his legs and the guy let go of him and let Lee drop to the floor onto his back." "This was not a body slam."
- In the 2<sup>nd</sup> Capt. Russell interview with her, she says, "they were pulling him apart." The meaning of that statement is the way and manner of the full nelson.

**Her opinion.** She felt there was intent to hurt Lee when the full nelson was put on him.

She has identified the subjects involved; however she can't say which person did what.

DA File: John Cassady and Clinton Blackburn ( Felonious Assault)  
Victim: Lee Mynhardt  
Activity: 4/17/09  
Typed: 4/19/07  
Prep'd By: Steve Lynch

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Patrick Michael Jeffries; W/M/5/4/84; 108 Sun Set Dr. Elon; telephone number, 610-724-6632; 2 Winding Way, Malvern Pa. 19355; and telephone number, 610-644-9193.

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Jeffries is a senior at Elon University majoring in sports management and a minor in business administration. He is the immediate past president of the Lambda Chi Alpha Fraternity. He was the president from December 06 until February 07. They have 35 members at the university where Jack Cassady is a member. He describes Cassady as "one of the nicest kids I ever met." Cassady was the treasurer for the fraternity the year he was president. Cassady was trustworthy in order to have that job. Cassady is not the vice president of the fraternity. Cassady cooks the dinner for the fraternity on Sunday nights. Cassady's job is also to handle the relationships between the brothers in the fraternity. He puts a lot of confidence into what Cassady says. He has been to Cassady's house in Reidsville 5 or 6 times. Cassady has a very nice family. "He is an upstanding kid with a good head on his shoulders." Cassady holds his booze very well. Some students get out of control, but not Cassady. Cassady is not a heavy drinker. He does not know Blackburn.

He knows Mynhardt from his freshmen year. He has been to some of the same social events as Mynhardt. "He has been nothing but nice to me." However, he stated that "He has some friends that are not as nice as I choose to be with, more of a rough crowd." Some of Mynhardt's friends fight and so forth. After the case in question took place, Cassady got some death threat on line. Chief Gantos has told him the threats are from Mynhardt's friends. One of the persons doing the threats is a male by the last name of Whitsell. Some of Mynhardt's friends are known to use drugs. After the incident some of Lee's friends went to the residence of Chad Seagraves (336-263-3575) and a guy named J.D. to start an altercation because the friends thought the two were responsible for the incident. The aggressors in that occurrence were Drew Fronte ( tel.?) and Thad ( last name and tel.?) and five others went to start the fight. An argument took place and not fight. However, he was not able to give any specific information. He does not know any fights that Mynhardt has been in. Mynhardt played on the rugby team. Mynhardt is a member of the Kapa Sigma, but was possibly removed. He does not know Lee's tendencies while he is drinking.

On the night in question. He did not have any classes that day. He stopped by the party in question at about midnight and left at about 1:30AM. He did not put the party on. There were 25 to 30 people at the party. He did not get an invitation to the party. He heard of the party from a friend, Jenna Bailey (336-263-7123). She was with him that night. The party was a mellow and casual drinking party. No one was out of the way. He knew most of the people there. He had never met "Jack's friend in the past, however he was introduced to him that night. However, he does not remember anything about that

person. When he left the party, he and Bailey went to Bailey's house across the street from the Light House Tavern where he stayed overnight. Later in the night he got a telephone call from Rob Olson who told him that an ambulance was at 311 Lee St. and that a kid had been injured. He immediately went there along with Bailey. They walked to the scene. When they got there, Mynhardt was being put in the ambulance. He was told by a police officer that Lee Mynhardt was the injured party. He then talked with Cassidy. Cassidy gave him the following account as to what happened."

"Lee and a female were in the bathroom for 15 to 20 minutes. At that point there were 5 to 6 people left at the party. I knocked on the door. I did not know why people were in the bathroom for that long of a time. After a couple of minutes of knocking on the door, Lee come out and was not happy that I had been banging on the door. Then an argument occurred. My friend grabbed Lee from behind as to keep Lee from attacking me. My friend tried to pull Lee toward the door and out the door. There were no punches passed. Both my friend and Lee hit the floor. Lee did not get up. Clinton Blackburn had Lee in a full nelson when they fell forward. Lee tried to get out of the hold and that is when they fell to the floor."

Cassidy has not asked him to lie for him. Cassidy hopes to stay at Elon as a student. Cassidy is really worried. He has heard rumors that Lee was kicked; and that it might not have come from the guys that were charged. However, he does not know who. He has asked Cassidy about the kicking and Cassidy told him that he did not kick anyone. Cassidy is concerned if Lee is ok. ..



DA File: John Cassady and Clinton Blackburn (Felonious Assault)  
Victim: Lee Mynhardt  
Activity: 4/18/07  
Typed: 4/24/07  
Prep'd By: Steve Lynch

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Meredith Paige Whitney; W/R/7/20/85; 404 Lebanon Ave. Apt. E, Elon; telephone number, 825-413-2150 and 214 Henry's Glen Dr., Morgantown, NC 28655; and telephone number, 828-437-5302. She was a witness in the case.

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Whitney stated that she is a junior at Elon University majoring in accounting.

She does not know Lee Mynhardt or Mary Kelly.

She does know Jack Cassady. She described him as a friendly, open person, very nice, very nice personality, who is nice to everyone. She has never visited his home in Reidsville. She has never seen Cassady violent and has never seen him pick a fight. He holds his booze well and has never seen him "sloppy drunk."

She does not know Clinton Blackburn.

**The day in question.**

That was a routine day for her. She went to class and her last class ended at 1:25PM. At between 9 and 10:00PM she began to drink vodka and Tequila at the Evellian Apartments which is near the Dainley Center. She was there with her roommate Katie Whitmore (336-263-8195). Then she went to Kristin Jennings's (201-602-6140) residence which is near the First Baptist Church in Elon. She had several drinks there. She left there and went to another apartment and drank some shots of liquor. From there she went to the Lee St. address with Kristin Jennings and Lauren Limerick (703-402-4917). They arrived at the Lee St. address at about midnight. She knows the guys that live there. No one from the party called and invited her over to the party. However, she stated it was possible that one of the guys from the house run into her and told her to come over, however she don't specifically remember. She had a sober "brother" drop her off at the party. She is a member of the Phi Mu Sorority. The night in question is very blurred to her because in her words, "I was very drunk." There were people in the living room, bedroom, and most people were drinking. No one was out of the way. She stayed in the back bedroom most of the time. She believes she was in the back bed room when people started to leave the party. Kristine and Lauren had already left the party. She was not dating anyone at the party. At one point, she saw someone lying in the floor. She doesn't remember seeing anyone kicking the person on the floor. She did not know the person in the floor. She was not aware of any girl with Lee Mynhardt. She did not hear Mynhardt say anything. She left in the same car as Robert Olson. She was taken home.

At the time she was at the party, she was not aware of a fight. She only learned of the situation the next day. She does not remember the victim saying anything. As she was leaving the party, Cassidy seemed to be concerned, however she can't be specific.

Cassidy is in one of her classes. She has not discussed the case with Cassidy. She does not remember setting in the recliner at the house.

The next morning when she woke up, she was not aware that anyone was hurt at the party.

DA File: John Cassady and Clinton Blackburn (Felonious Assault)  
Victim: Lee Mynhardt  
Activity: 4/19/07  
Typed: 4/24/07  
Prep'd By: Steve Lynch

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Dylan Cottone; W/M/ 7/25/88; Chandler Dorm, room 302 D, Elon University; telephone number, 610-416-9400 and 481 Bair Rd. Berwyn, Pa 19312; and telephone number, 610-644-6235. He was a witness in the case.

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Cottone stated he is a freshman majoring in communications.

He does not know Lee Mynhardt or Mary Kelly.

He knows Jack Cassady, however they are not close friends. He does not know any of the other of Cassady's roommates. He described Cassady as a person that is always nice and never out of the way.

On the day in question, He went to class and played basketball in the afternoon. He ran into a male named Kevin (last name unknown) at the school cafeteria. He and Kevin walked around on campus for awhile. Later in the evening he and his roommate, Trevor Kerin (telephone number unknown) went to some party of which he does not remember the location. Then on the way back he saw a party going on at the Lee St. address. He had never been to that house before. Another male in their company (he can't remember who) suggested they go in. In his words, "I was just tagging along." He was not invited to the party. He did not know many people there. There were not many people there. He wanted to pledge the fraternity that many of the people at the party were in. He felt welcomed. The people that he went to the party with left shortly, however he stayed. He ended up back in Jack's (John Cassady) bedroom with Cassady, Robert Olson, and a female or two. He does not remember if the door was open the entire time or not however, the bedroom door was probably open. There was no anger in the bedroom. He was not drinking. Jack left the room. He never met Clinton Blackburn. Then he heard a sound like that of some elbows hitting the "ground." "It sounded like many things hit the floor at once." "Like two noises from objects that hit the floor at the same time." "Like someone dropping a water jug." "It was not a commanding noise." He did not hear any yelling or screaming prior to that. He noticed when he heard the noise; Jack was not in the bedroom. He immediately followed the others out of the bedroom and turned left to go to the setting area. He saw a white male with shaggy hair and clean cut lying on the kitchen floor. His left leg and heel was back toward his hip and his right leg was straight. No one was standing over the victim. The victim kept saying, "don't move me." After about 15 seconds, he returned to the bedroom. It did not seem like anything was too serious. He stayed in the bedroom for 2 to 5 minutes. Olson was back in the bedroom. When he come back out of the bedroom the second time, the victim was in the same position. A female was with the victim at that point. She was squatted down next to him. She was trying to keep the victim calm. She said, "Everyone give him a little room." The victim kept saying, "don't move me." He does not recall any cussing by the victim. There were

several people standing around like they were frozen. A couple of guys was trying to get the victim up. The impression he got was that the victim fell and hit his tailbone or he had the wind knocked out of him. There was no reason for the victim to be hit. He never saw anyone hit the victim ("no dirty shots") or anything like that. He does not recall what Jack was doing. Jack was the "ring leader" of the party. He does not recall seeing where Jack was at when he was in the area of the victim. He had left the house by the time the ambulance arrived. In his opinion, the victim did not have serious injury. Jack did not appear to be angry all night. He never heard anyone say, "Get the fuck out of here." While in the bedroom, he sat on the bed and listened to music. There was a lot of drinking at the party. He does not think the floor was slippery. Some guys tried to get the victim up, but he does not know who they were. The victim kept saying, "don't move me." When he heard the "thump" on the floor, he did not hear any accompanying words. He stated that when he left the bedroom and went to the setting area, he felt like there had been a confrontation. He did not get the same feeling as he had 20 minutes before when he had been in that area. "I got the feeling that Lee was helped to the floor." He got that impression for the reactions from the people in the room. "There was a feeling in the room due to the emotions.

Since the incident. He ran into Jack at a restaurant in Burlington. Jack told him to go see Dean Nelson (the dean that oversees student activity) and tell him what he saw. Jack was calm when he told him that. Jack did not tell him what happened on the day in question. Jack did not ask him to lie for him in the matter. Since that discussion, Jack has not asked him to talk to the police or the dean. No one has asked him to be untruthful in the matter.



DA File: John Cassady and Clinton Blackburn (Felonious Assault)  
Victim: Lee Mynhardt  
Activity: 4/20/07  
Typed: 4/25/07  
Prep'd By: Steve Lynch

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Brian Thomas McElroy; W/M/2/24/85; 211 N. Lee Ave. Elon; telephone number, 770-841-1434; and 970 Windwalk Ct., Roswell, Ga 30076; and telephone number, 770-475-0990. He lives at the house where the incident occurred.

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McElroy is a senior at Elon University majoring in cooperative communications and a minor in business administration.

He has known Cassady for 2 years and lived with him this past school year. In his words, Jack is a calm person and a "super kid." He has never seen Jack aggressive toward anyone and has never seen him try to start a fight. When Jack is drinking he is the same way and "goofy", but not aggressive. He does not know Clinton Blackburn at all. He does not even know what Blackburn looks like.

He does not know Lee Mynhardt or Mary Kelly at all.

The day in question. This was a regular day for him. He worked at the Omega Sporting goods Store on University parkway. He did not have class that day. He attended the party. Robert Olson put the party on. There were 30 to 50 people at the party. He knew most of the people at the party when he was there. There was no conflict at all. At about 2:30AM he went to bed and went to sleep. As he knows, Mynhardt and Kelly were not there. He did not hear any commotion.

The next day. He went about his daily routine. Jack told him the story at 11:00AM before the "Wing Bowl." That story is as follows: I was hanging out in my room with friends. I left to use the bathroom. When he tried to get in the bathroom, Lee said, "hold on, hold on." I opened the door with a credit card and Lee closed the door on me... The girl was putting on her bra and shirt. I opened the door again and Clinton got Lee in a defensive hold or a wrestling hold. That was to get Lee out of the house. Both fell and Lee hit his neck. Clinton was trying to get Lee out of the house and they fell."

There was no information given to him about any kicking of Lee. Jack has not asked him to lie for him. He believes this was an accident.

DA File: John Cassady and Clinton Blackburn (Felonious Assault)  
Victim: Lee Mynhardt  
Activity: 4/24/07  
Typed: 4/26/07  
Prep'd by: Steve Lynch

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Charles (Chad) Kenneth Caldwell; W/M/4/18/85; 709 E. Haggard Ave., Elon; telephone number, 336-613-5386; 1324 Cotswald Terr. Reidsville, NC 27320; and telephone number 336-342-3478. He was present at the scene.

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Caldwell stated he is a junior at Elon University majoring in exercise/sports science. He is not in a fraternity.

He does not know Mynhardt or Mary Kelly.

He has known John (Jack) Cassady for 12 to 15 years. He described Jack as a good guy all around, relaxed, never uptight, never saw him loose his cool, outgoing, holds his booze well, has never seen him pick a fight, and never saw him be violent. They are both members of the Woodmont United Methodist Church in Reidsville.

He has known Clinton Blackburn from 7 to 8 years. He met Blackburn at youth group at a Methodist church in Reidsville. Blackburn went to another high school from him. Blackburn is a good and well all around good person.

On the day in question, He had class and later played video games. Later he called Will Hartness and Clinton Blackburn because of a party at the Cassady residence. Will got to his house at 6 or 7:00PM and Clinton got there at 8:30 or 9:00PM. They went to the Cassady residence at about 9:30 to 10:00PM. The party was "real fluid, everything was fine" There was no violence at the party. He drank beer at the party and got drunk. He also played beer pong at the party. There was a keg of beer in the kitchen floor. There were about 40 people at the party. At about 2:30 or 3:00 AM or maybe as late as 4:00AM he was outside smoking with Will. He returned back inside and Clinton and Lee Mynhardt were in the floor. He asked Jack Cassady what had happened and Jack told him that they were trying to get Lee out of the house. Lee, while on the floor was saying, "Fuck you, kias my ass" and so forth. Lee's head was moving a little bit. He did not see anyone kick Lee. When he walked in the house, Clinton was on the floor. Clinton was on top of Lee. Lee was on his back and Clinton was on his stomach. Clinton was laying more to one side on top of Lee. Both of their heads were pointed in the same direction. Clinton got up and Lee "started to run his mouth." Clinton did not do anything. They were mainly in the kitchen near the living room. The kitchen floor was not slick. He and Will tried to get Lee out of the house by trying to set Lee up. When Lee sat up he complained of pain and he laid Lee back down. Then he tried to drag or slide Lee to the door. He grabbed Lee by his ankle and pulled him toward the door for 1 to 1 1/2 feet before Lee's right foot hit the wall. He then stopped and left Lee alone. He decided to let Jack put Lee out. Lee did not say anything to him while he was dragging him. "I did not

think Lee was hurt. His only reason for grabbing Lee by his leg was to help Jack get Lee out of the house. Jack never asked him to get Lee out of the house. "I just took the initiative to get him out." At one point, Clinton said, "He needs to get out of the house because the party is closing down." He never saw Lee being combative, but he heard his combative voice. Clinton and Jack were in the living room. Clinton and Jack were trying to wind the party down. He asked Will what he wanted to do, that was to leave or stay. He thought that Lee was very drunk or that he might have hit his head. He, Clinton, and Will all left and went to his residence. At one point, as previously mentioned, he and Will tried to get Lee up. Jack did not participate in that situation. When he drug Lee, Will did not participate. When he drug Lee, he tried to be gentle. He left before Lee's body was put outside. He does not remember seeing Lee or Mary-Kelly that night prior to the incident. He never saw Clinton have Lee in a bear hug or a full nelson. The only time he saw Clinton and Lee touch is when they were on the floor. Will had been outside with him smoking. Clinton spent the night with him as well as Will.

Neither defendant has asked him to lie for them. At no time did he see Lee being kicked while on the floor.

"I was drunk that night as well as Lee and Mary Kelly." He never saw Mary Kelly kneel down beside Lee.

DA File: John Cassady and Clinton Blackburn (Felonious Assault)  
Victim: Lee Mynhardt  
Activity: 4/24/07  
Typed: 4/26/07  
Prep'd by: Steve Lynch

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Charles (Chad) Kenneth Caldwell, W/M/4/18/85; 709 E. Haggard Ave., Elon; telephone number, 336-613-5386; 1324 Cotswald Terr. Reidsville, NC 27320; and telephone number 336-342-3478. He was present at the scene.

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Caldwell stated he is a junior at Elon University majoring in exercise/sports science. He is not in a fraternity.

He does not know Mynhardt or Mary Kelly.

He has known John (Jack) Cassady for 12 to 15 years. He described Jack as a good guy all around, relaxed, never uptight, never saw him loose his cool, outgoing, holds his booze well, has never seen him pick a fight, and never saw him be violent. They are both members of the Woodmont United Methodist Church in Reidsville.

He has known Clinton Blackburn from 7 to 8 years. He met Blackburn at youth group at a Methodist church in Reidsville. Blackburn went to another high school from him. Blackburn is a good and well all around good person.

On the day in question, He had class and later played video games. Later he called Will Hartneis and Clinton Blackburn because of a party at the Cassady residence. Will got to his house at 6 or 7:00PM and Clinton got there at 8:30 or 9:00PM. They went to the Cassady residence at about 9:30 to 10:00PM. The party was "real fluid, everything was fine" There was no violence at the party. He drank beer at the party and got drunk. He also played beer pong at the party. There was a keg of beer in the kitchen floor. There were about 40 people at the party. At about 2:30 or 3:00 AM or maybe as late as 4:00AM he was outside smoking with Will. He returned back inside and Clinton and Lee Mynhardt were in the floor. He asked Jack Cassady what had happened and Jack told him that they were trying to get Lee out of the house. Lee, while on the floor was saying, "Fuck you, kiss my ass" and so forth. Lee's head was moving a little bit. He did not see anyone kick Lee. When he walked in the house, Clinton was on the floor. Clinton was on top of Lee. Lee was on his back and Clinton was on his stomach. Clinton was laying more to one side on top of Lee. Both of their heads were pointed in the same direction. Clinton got up and Lee "started to run his mouth." Clinton did not do anything. They were mainly in the kitchen near the living room. The kitchen floor was not slick. He and Will tried to get Lee out of the house by trying to set Lee up. When Lee sat up he complained of pain and he laid Lee back down. Then he tried to drag or slide Lee to the door. He grabbed Lee by his ankle and pulled him toward the door for 1 to 1 1/2 feet before Lee's right foot hit the wall. He then stopped and left Lee alone. He decided to let Jack put Lee out. Lee did not say anything to him while he was dragging him. "I did not



think Lee was hurt. His only reason for grabbing Lee by his leg was to help Jack get Lee out of the house. Jack never asked him to get Lee out of the house. "I just took the initiative to get him out." At one point, Clinton said, "He needs to get out of the house because the party is closing down." He never saw Lee being combative, but he heard his combative voice. Clinton and Jack were in the living room. Clinton and Jack were trying to wind the party down. He asked Will what he wanted to do, that was to leave or stay. He thought that Lee was very drunk or that he might have hit his head. He, Clinton, and Will all left and went to his residence. At one point, as previously mentioned, he and Will tried to get Lee up. Jack did not participate in that situation. When he drug Lee, Will did not participate. When he drug Lee, he tried to be gentle. He left before Lee's body was put outside. He does not remember seeing Lee or Mary Kelly that night prior to the incident. He never saw Clinton have Lee in a bear hug or a full nelson. The only time he saw Clinton and Lee touch is when they were on the floor. Will had been outside with him smoking. Clinton spent the night with him as well as Will.

Neither defendant has asked him to lie for them. At no time did he see Lee being kicked while on the floor.

"I was drunk that night as well as Lee and Mary Kelly." He never saw Mary Kelly kneel down beside Lee.

DA File: John Cassady and Clinton Blackburn (Felonious Assault)  
Victim: Lee Mynhardt  
Activity: 4/25/07  
Typed: 4/26/07  
Prep'd By: Steve Lynch

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William (Will) Joseph Hartness; W/M/8/2/84; 507 Mayflower Dr. Greensboro; telephone number, 336-032-1216, and 2122 Belmont Dr. Reidsville 27320; and employment, Enterprise Rentals, PTI, Greensboro.. He was present at the scene.

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Will stated he graduated from UNC-G in 2006 and majored in economics.

He does not know Lee Mynhardt or Mary Kelly.

He is friends with Clinton Blackburn. He described Blackburn as a good guy, honest who he met at a youth church camp. He and Blackburn worked together at a youth camp for the mentally and physically challenged children. That was under the direction of the Carolina Cross Connection. They both worked at that camp while they were in high school. Blackburn joined his Methodist church to be a part of the youth group. Chad Caldwell was also in the same group.

He described Cassady as a friend of his whose mother was the church youth director. They all went to the same Methodist church in Reidsville. Jack was involved in church as well as sports such as playing soccer. He volunteered at the soup kitchen, Habitat for Humanity and he thinks that Jack did some type of mission in another country.

Both Jack and Clinton were well liked in the community.

Both are trustworthy.

On the day in question, Clinton called Jack and Jack invited them to a party. He and Clinton went to the party in Elon. At the time in question, he lived in Reidsville. He and Clinton drove separate cars. He went to Chad Caldwell's house first where he met up with Clinton. All three went to the Lee Ave. address. He arrived at Chad's residence at about 8:00PM. They went to the Lee Ave. address at about 10:00PM. When they got to Lee Ave., there was a good atmosphere. Most of the people at the party were drinking. He did not see Lee before the injury. He did not know what Lee looked like. There were 40 or so people at the party. The party was at a small house and it was packed. There was a keg of beer in the kitchen floor with ice. The floor was slippery and wet. The floor was also dirty. At one point, he went outside to smoke with Chad where they talked with some boys from Elon University where they had some good conversation. He was drunk, however he still knew what was going on. He told them all about his recent trip to Hawaii where he had gone to surf. While outside he heard a sound, "something grabbed my attention that I heard, I can't be specific." He and Chad went in the house within seconds of each other. He doesn't remember who went in first. In the house, Clinton Blackburn was holding a white male in a bear hug. This bear hug included the arms of the white

male. In his opinion, Clinton was attempting to get the male out of the house. Jack said, "Open the door." That was so they could get the male outside. The people in the kitchen moved back so to let Clinton get the male outside. There were about 15 people there at that time. When he first got in the house, Clinton and the male were in the back of the kitchen headed toward the side door or the door that leads to the kitchen from the outside. The male was struggling and trying to get out of the hold. "It all looked good at that point, that is to get Lee out of the house with no problems." "Then we could continue on what had been a really good night." Lee was cussing; however he can't remember the specific words. It appeared to him that Lee was the aggressor and that Lee was much madder than Clinton. The female with Lee was also hollering. At one point, both Lee and Clinton went to the floor. "They fell to the floor." "Clinton still had Lee in his grip when they went to the floor." Clinton fell back and side ways. They fell back toward Clinton's front and Lee's back. Both fell backwards. Lee was bracing himself making it difficult for Clinton to continue to get Lee out of the house. "Lee used his legs to thrust the two backwards." In his opinion, that is what caused them to fall to the floor.

No one kicked Lee while he was on the floor. He never saw Chad grab Lee by the leg. He never saw Lee laying in the yard, because he had left.

He does not believe that either Jack or Clinton were after to hurt Lee. He never saw Jack touch Lee at all. Jack is the one that called 911. Clint never slammed Lee and did not kick him.

"We were having a good time."

He did not know most of the people at the party.

DA File: Clinton Blackburn and John Cassady (Felonious Assault)  
Victim: Lee Mynhardt  
Activity: 4/11/07  
Typed: 4/12/07  
Prep'd By: Steve Lynch

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Lee John Mynhardt; W/M/3/3/85, 725 E Haggard Ave. Elon; telephone number, 336-675-7934 and a student at Elon University. He was the victim in this case. Participants in this interview were Alamance County ADA Eugene Morris and Capt. Sam Russell of the Elon PD. Also present for the interview was Lee's mother, Charmaine Mynhardt. The interview was conducted at the Carolina Rehabilitation Center, Charlotte, NC.

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At the time of the interview, Lee was alert and articulate. He was confined to his hospital bed due to his paralysis. Plans are for Lee to be transferred to a rehabilitation center in Atlanta on 4/23/07 as an out-patient.

Lee stated that he began his study at Elon University in 2003 and was majoring in Finance where he was a senior. He is from the country of Botswana and planned to stay in the US after graduation. He had two roommates, Justin Vancleave of Baltimore, MD, (410-913-4828) and Alex Betzeiner, (828-320-5649). He described his life at the university as good, his classes were going well, and his social life was great. He played rugby. He had received a charge for underage drinking while at Elon and had got a PJC from the courts and a DWI that was later dismissed... He had a 2.2 GPA while in school. He stated that while at Elon he had used cocaine 3 times, once at the end of his sophomore year, once his junior year, and it was in his system on the night in question; however he does not remember taking it. He had used powdered cocaine. He drove a 2001 Ford Focus while at school.

On the day in question. He got up at about 8:00AM and attended his first class shortly thereafter. That was a Friday. He had planned on a skiing trip to the mountains of NC on Saturday, possibly at Sugar Mountain. He was going with Mark Nestline, (410-236-2850) and Brit Buckman, (910-603-1230) and possibly others. He was "low key" on that Friday. After his only class, the rest of the day was relaxing. There was "not much to do." During the day he did not consume any alcohol. Later in the evening, possibly Justin Vancleave got a call from Pat McConnell, or possibly someone else telling about Pat's birthday being that day. Then he and his roommate, Justin and Mark Nestline who was visiting had 2 or 3 beers. They had planned to go to Pat's house which is located near the Elon Fire Department. (Traveling on Williamson Ave. headed toward Highway 70 and past the fire station, take the first right and the residence of Pat is the 4<sup>th</sup> or 5<sup>th</sup> house on the left.). One of the others drove to Pat's; however he does not recall who the driver was.

Arrival at Pat McConnell's house. They arrived at about 8:30PM. He had 2 beers at Pat's house while he waited for others to get ready to go to the Piedmont Ale House to celebrate Pat's birthday.



Piedmont Ale House in Burlington on St. Marks Church Road.. He does not remember the time of arrival. There he drank more beer and had a shot of Malibu and pineapple and a Jagermeister. By this time in his words, "I was tipsy." They stayed there for awhile. They went to Piedmont Ale House in Doug Andrews's car. Doug is from Pinehurst and lives at the New Sheridan Apartment complex and telephone number, 910-690-0175.

West End Bar in Elon. There he drank some more however he does not know what or how much. However, all they sell at the West End Bar is beer. He does not have any information of any cocaine at the West End. There he met up with a friend, Mary Kelly. He had known her for awhile. They did not have any classes together. He had never dated her in the past. He and Kelly had been in the same social setting in the past. They (he, Kelly, Britt, and Alex) left the bar and headed to Jeff Marshall's house which is near Sandy's Restaurant. The car they were in was left at the West End Bar.

Location of the incident. While en-route to the Jeff Marshall residence, they come upon another party on Lee St... The reason he knew a party was going on was they saw a lot of people and they were mostly inside. He did not know the people that lived there, but he knew the people that lived there the previous year. The door was open and there was a keg of beer inside, so they went in. At that point, there was no hostility at all. He is not sure what they did when they first got inside. Kelly was with him. He is not sure if he drank any alcohol there or not. There were about 30 people at the party. Most of the people at the party were intoxicated. At one point, he and Kelly went to the bathroom. He is not sure what prompted that. He is pretty sure that he locked the bathroom door. They were kissing in the bathroom. She took her jacket off. There was no sexual relations and the light was on. Then some guys knocked at the door and told them to come out. He is not sure how long they were in the bathroom. At this point, he is not sure if many people had left the party or not. There was knocking on the door; however he doesn't remember exactly what was said. However, the tone of the voices seemed to him to be angry. He unlocked the door and went out and closed the door behind him. He is not sure why Kelly did not come out the bathroom at that time. He is not sure if he ever slammed the door in anyone's face. He saw some guys, however he is not sure how many. The guys were in the passage way by the bathroom. Again, he is not sure what was said, but "they were not polite." He felt threatened and felt un-easy. He is not sure if he said anything to the guys or not. He does not remember getting aggressive with the guys. He felt they were angry because he was in the bathroom with someone else. At the time he was 6'2" and weighed 175 lbs. He does not remember the sizes of the guys. "They ushered me out, pushing me toward the door; I did not want to leave without Mary Katie." He is not sure how he was being held, but he was forced toward the door. He does not remember the details of what was said. He does not remember the conditions of the floor. He does not remember his body going in the air. "I don't 100% remember what they were doing to force me out the door." There were 2 to 3 people forcing him. I said to them, "Hold on, and let me wait for my girl." He does not remember their reply. "I hit the floor on the back of my head." That fall was somewhere between the kitchen and the living room. He said that it felt like he went backwards. There was no one in front of him that pushed him back. He had just entered the kitchen when the fall to the floor happened. He does remember that his feet

went in the air. He is not sure how he got to the floor. "The guys were still aggressive." "I could not feel my legs." "The guys said, you are faking it." Someone grabbed him and dragged him to the door. They dragged him for about 6 to 8 feet and out of the door. He was pulled by his arms. He said in his words, "I am not 100% sure where they stopped, but it was cold." "There were people around all the time." He does not remember if he was kicked or not while he was down. Later some guys pulled him back inside into the kitchen. He does not remember what he said to them. He asked people not to touch him because he did not feel normal. He did not want to be moved to worsen his condition. "The guys were still aggressive while I was down, they made me feel like I should get up and walk off and that was in a raised voice." All of the talking was in a raised voice. There was not a lot of light in the house. There was loud music in the house. "No one told me not to go to the bathroom." "No one told me to leave before I went to the bathroom." "I wasn't there for a fight." "They did not want me in the house when the cops came." "My only hesitation in leaving was to wait on Kelly."